



June 9, 2025

VIA ECF

Hon. Eric N. Vitaliano, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Perez, et al. v. Porter, et al., Case No. 21-cv-4858 (ENV) (MMH)

Dear Judge Vitaliano:

As Your Honor may recall, the undersigned represents the Plaintiff in the above-referenced matter, brought under the Individuals with Disabilities Education Act ("IDEA").

Per the Stipulation of Settlement and Order of Dismissal, so ordered by Your Honor, Counsel for Plaintiff has provided all documents necessary for the Defendants to process payment for the Student's tuition and transportation, as well as attorneys' fees. See Dkt. No. 36.

While it took some time to finalize the settlement and ultimately provide the Defendants with all the documents required to effectuate it, all necessary documents have been provided. This has been confirmed with Defendants' Counsel, who now claims payment may take as long as 90 days or more, significantly exceeding the 35-day limit to comply with such orders established by the class settlement agreement in *L.V. v. N.Y.C. Dep't of Educ.*, 2020 U.S. Dist. LEXIS 128723, (S.D.N.Y. July 17, 2020).

In light of the foregoing, Plaintiff respectfully asks the Court to exercise its ancillary jurisdiction to enforce the settlement agreement. *Kleyman v. SUNY Downstate Med. Ctr., Kings Cty. Hosp.*, 2020 U.S. Dist. LEXIS 172661, at *18 (E.D.N.Y. September 21, 2020) citing *Hendrickson v. United States*, 791 F.3d 354, 358 (2d Cir. 2015) and *Street Easy, Inc. v. Chertok*, 752 F.3d 298, 305 (2d Cir. 2014). Defendants were offered the opportunity to provide their position here, but they declined, stating they would file a separate letter with the Court.

The Plaintiff thanks the Court for its courtesy and consideration in this matter.

Respectfully submitted,

Peter G. Albert

Peter G. Albert, Esq.

cc: All Counsel of Record (via ECF)